IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.THANKAPPAN

THURSDAY, THE 21ST DECEMBER 2006 / 30TH AGRAHAYANA 1928

CRL.A.No. 1608 of 2003()

AGAINST THE ORDER IN CRLP.384/2003 Dated 17/09/2003
CC.758/2000 of JUDL.MAGISTRATE OF FIRST CLASS-I, MUVATTUPUZHA

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APPELLANT: COMPLAINANT

V.O.ABRAHAM, S/O.OUSEPH,
VETTICHIRA HOUSE, AYIROORPADAM,
KOTHAMANGALAM.

BY ADV. SRI.N.N.ELAYATH
SRI.P.V.ELIAS

RESPONDENTS: ACCUSED AND STATE

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1. A.K.MATHEW,
EDAYATHUKUDY, CHEMMEENKUTHU,
CHELAD P.O., KOTHAMANGALAM.

2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY ADV. SRI.P.V.CHANDRA MOHAN
R2- BY P.P.SRI. S.M.NAZAR

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD
ON 21/12/2006, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K. THANKAPPAN, J.

Crl.A.No. 1608 OF 2003-B

Dated this the 21st day of December, 2006.

J U D G M E N T

This appeal is filed against an acquittal order passed by the court below in C.C.No.758/2000 on the file of the Judicial Magistrate of First Class, Muvattupuzha. The above calender case was taken on the complaint filed by the appellant alleging that the 1st respondent had committed an offence punishable under Section 138 of the N.I.Act, 1881. It is further stated in the complaint that the 1st respondent had issued a cheque in favour of the appellant/complainant which was presented for encashment but the same was dishonoured due to insufficiency of fund with the account of the 1st respondent. As the appellant absented from the court below when the case was posted for hearing, the trial court passed an order under Section 256(1) of the Cr.P.C to acquit the 1st respondent. Against this, this appeal is preferred.

2. When the appeal came up for hearing today, the 1st respondent is also represented by a counsel of this Court.

Counsel for the appellant and the 1st respondent have agreed to settle the matter out of court and the matter is compromised between the parties. To show this compromise, the parties have produced a joint petition filed before this Court and the claim against the 1st respondent has been dropped. In the light of the above, this appeal stands dismissed as the matter is settled out of court between the parties.

K. THANKAPPAN, JUDGE.

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